

## Pay and conditions consultation document

UCU is in dispute with HE employers (represented collectively by UCEA – the University and Colleges Employers Association) regarding pay and conditions for 2022/23.

This dispute is over the failure to agree (through the New JNCHES – Joint Negotiating Committee for Higher Education – process) to the demands of the joint unions (UCU, Unison, Unite, GMB, and EIS). These demands were:

- a pay uplift of RPI + 2%
- equivalent increases in London Weighting
- fundamental reform of the HE pay spine
- ending pay injustice – meaningful, agreed action to tackle the ethnic, gender and disability pay gap
- agreeing a framework to eliminate precarious employment practises and casualised contracts, including zero hours contracts, from higher education; converting hourly paid staff onto fractional contracts; agreeing national guidance to end the outsourcing of support services in higher education and to bring staff into in-house employment
- meaningful, agreed action to address excessive workloads and unpaid work.

Negotiations with UCEA through New JNCHES resulted in an imposed pay ‘settlement’ of 3% (with increases for staff on spine point 19 and below between 3.1% and 9%) with no movement on the pay related issues.

UCEA contacted the Joint Unions seeking to begin negotiations for 2023/24 early. The Unions responded that we remained in dispute over the 2022/23 but would enter early negotiations over 2023/24 on the condition that any settlement recognised the failure to adequately meet the unions’ claim for 2022/23.

Negotiations through New JNCHES resulted in limited progress. UCEA made their ‘final’ offer on pay for 2023/24 on 26th January which amounted to:

Spinal Column Points	Uplift
3 to 5	8%
6 to 14	7%
15 to 25	6%

26 to 51	5%
----------	----

This offer equates to:

- 8 percent for all staff earning up to and including £19,333
- 7 percent for staff earning up to and including £22,622
- 6 percent for staff earning £30,502 or less
- 5 percent for staff earning between £31,411 and £65,578.

UCEA and the joint unions were approached by Acas offering their support in seeking a resolution to the dispute and all parties agreed to commence Acas conciliated negotiations.

These negotiations led to a very slight movement on pay - a revised increase from 1 February 2023 of £1,000 or 2%, whichever is greater, with the remainder of the uplift for 2023/24 to be paid from 1 August 2023. Despite joint union demands that payment of any award be delayed, UCEA advised its members to implement the first part of this pay award from their March 2023 payrolls.

UCEA insisted that the settlement outlined above was as far as they were able to go on pay and that there was no prospect of any further increase in that offer. The joint unions rejected that position and made clear that the pay offer was not acceptable (the UCU Higher Education Committee has since formally rejected the offer). All parties in the Acas negotiations acknowledged that an impasse had been reached on pay at that point but agreed to continue talking to explore the possibility of progress on the pay-related elements of the joint unions' claim.

The pay related issues (review of the UK HE pay spine; agreement on addressing equality pay gaps, casualisation, and workload) have been important parts of the HE joint union claims for many years, but to date little or no progress has been made towards meaningful agreement on them. In the Acas conciliated negotiations progress was achieved to the point that Terms of Reference were agreed for further time-limited negotiations, under Acas, to address each of the pay related issues in detail:

- **A review of the UK HE pay spine (by end of October 2023)**
- **Workload (February 2024)**
- **Contract types (February 2024)** and
- **Equality pay gaps (by end of October 2023).**

In addition, UCEA have agreed to consult its members, with a positive recommendation to take action on zero hours contracts, confirming their expectation that from next academic year indefinite contracts with fixed or minimal hours will be

the 'general form of employment relationship between employers and employees in HEIs'.

On 23 March UCEA issued a statement which included the following:

- the pay uplift is at a level which many employers will find financially challenging. UCEA has gone as far as it can in balancing a meaningful uplift with the viability of HEIs across the sector. In a number of HEIs, jobs will already be at risk as a result of this pay uplift
- it should be absolutely clear that UCEA has no ability to improve upon the 2023-24 pay award
- if the Joint Higher Education Trade Unions are willing to enter into negotiations on the basis of the Acas terms of reference, UCEA remains ready to begin talks on the understanding that no further industrial action, including ASOS, is called during these talks.

### **Statement from the UCEA board on the 2023-24 pay uplift and the Acas terms of reference**

In response the joint unions issued the following statement:

*The joint trade unions have been consulting their national committees with respect to the four sets of draft terms of reference on pay-related matters. That process is not complete. When it is complete, we will be responding to UCEA to let them know the joint trade union response.*

*We note that UCEA has put out a statement in relation to their position, including their attitude to further industrial action. The joint unions wish to make it clear that we will not agree to any cessation of industrial action up front for the next 12 months and that the unions and UCEA must respect our trade union democratic processes. The requirements of the Trade Union Act 2016 on trades unions are onerous and require trade unions to give advance notice of ballots, run postal ballots, be open to challenge on the details of those ballots, achieve a 50% turnout threshold and a positive majority vote in favour of action and then give advance notice of any planned action, so the whole process requires a huge amount of work and takes months. Without a mandate for industrial action our industrial power is significantly weakened, so the unions will not give up their right to run ballots to obtain that mandate up front for a period of 12 months, and believe it is unreasonable of UCEA to expect them to do so. Whether or not any action goes ahead at any particular time will be subject to a democratic decision at that time.*

*We are committed to seeking a negotiated settlement on pay and the four pay related elements and we are happy to meet again at Acas once the unions have completed their consultation processes.*

## **New JNCHES trade union side statement ([ucu.org.uk](https://www.ucu.org.uk))**

The Higher Education Committee has agreed to consult members on the proposals which have been agreed by the Joint Unions with UCEA through Acas.

## **Proposals not a final deal**

It is important for members to understand that these are proposals to structure on-going negotiations. These negotiations may result in final deals which could be put to members in a formal consultation with clear recommendations for your elected negotiators and the Higher Education Committee.

These proposals do not end the dispute which UCU has with UCEA. The dispute will continue until members accept any final deals with UCEA and HEC agrees to end any dispute.

Industrial action can be taken in furtherance of our dispute at any time during our re-ballot mandate subject to the agreement of the Higher Education Committee and the statutory 14 days' notice to employers.

## **Consultation question**

We are asking members whether they wish to **NOTE or REJECT** the proposals agreed between the joint trade unions and UCEA.

Implications of each response:

**Reject** the proposals agreed with UCEA and the other higher education unions at Acas as an interim solution to the dispute.

- If members vote to REJECT then they will be asked to commence marking and assessment boycott in April 2023, and will need to be prepared to undertake any other industrial action as called by the higher education committee (HEC), the 19 April 2023 Special Higher Education Sector Conference (SHESC), or any outcomes from Annual Congress or Higher Education Sector Conference
- (It is likely that if UCU rejects the proposals that the Acas conciliated negotiations will not continue.)

**Note** the proposals for further time-limited negotiations, agreed with UCEA and the other higher education unions at Acas.

- This would result in the marking and assessment boycott scheduled for April 2023 being stood down and an end to action short of a strike. The union would move into negotiations with UCEA and the other union, at Acas, based on the agreed terms of reference. The threat of action would remain live for the duration of the re-ballot mandate and action could be called at any time if the higher education committee (HEC) felt it was required – either because negotiations broke down, or employers failed to honour commitments outlined in the proposals.

The Higher Education Committee has resolved to recommend that members reject the proposals agreed at Acas with UCEA and the other unions.